

# MONTANA BOARD OF CHIROPRACTORS



Montana Department of  
LABOR & INDUSTRY

**NEWSLETTER**  
DEPARTMENT OF LABOR & INDUSTRY  
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[www.chiropractor.mt.gov](http://www.chiropractor.mt.gov)



## DR. HANSING ASSUMES BOARD PRESIDENCY

Dr. Hansing assumed the Board Presidency on April 6, 2012. Dr. Hansing has been a member of the Board since 2008 and was reappointed in January 2011. Dr. Hansing also serves on the Montana Chiropractic Association Board. He and his wife Jami own Intermountain Chiropractic PC in Helena with a satellite office in Deer Lodge.

Message from the Board President Scott E. Hansing, DC

I would like to start by wishing the departing President of the Board best of luck. Dr. John Sando has distinguished himself by serving the public on the board of Chiropractors for the past six years; before that, he was active with the Montana Chiropractic Association and later the president of the MCA. The past decade has been a busy time for Dr. Sando and we wish him the absolute best in his future endeavors.

I would like to welcome Dr. Lee Hudson as the newest Board member. He has

been active with the ACA for years while maintaining his practice in Great Falls. Dr. Fellows from Billings continues to serve on the Board and I look forward to working with both of them for my remaining time on the Board.

As I take the helm for the state Board, we will be examining and discussing several important issues. Dry needling has become a hot topic nationwide. We also have been fielding more inquiries about the legalities of Chiropractic Assistants performing modalities and active rehabilitation on patients. The Department of Labor and Industry has decided to carry the compromise bill developed by the Chiropractic and Veterinarian professions. The changing face of health care has everyone on edge and we continue to monitor the situation to the best of our abilities.

More and more Chiropractors are expressing interest in dry needling. Through the years, the medical profession has been injecting analgesic agents into trigger points with some success. Subsequent studies have found that the numbing agents didn't actually give the therapeutic benefit that was being seen but instead was due to the mechanical penetration of the



Dr. Scott Hansing

needle into the trigger point. This led to the practice of dry needling which is essentially the same thing as trigger point injection without the injection. The Oregon Board of Chiropractors ruled that it was within their scope of practice to perform dry needling but legal challenges continue at the state level. Locally the Physical Therapy Board has also ruled that it was within their scope of practice to perform dry needling and is currently drafting a new rule to address this. The Acupuncturists, licensed under the Montana Board of Medical Examiners, are claiming that dry needling is essentially the same thing as acupuncture and are mounting challenges not only here in Montana but nationwide against other professions wishing to perform this procedure.

As our scope of practice is written, it is currently not within our scope to perform dry needling. For the Board to change our scope of practice to allow this procedure, would take considerable work and would undoubtedly be met with considerable resistance from the

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## Message from the President (continued from Page 1)

Physical Therapy profession, Medical profession, and Acupuncturists. The Board will be surveying Chiropractors to gauge interest to determine if it would be worth it to even attempt expanding our scope to allow dry needling. I would encourage everyone to participate in this survey regardless if you are for it or against it so we can determine our course of action if any.

We have been fielding more inquiries from Chiropractic Assistants regarding performing modalities on patients. Many have felt that they have not received enough training from their employers to carry out these tasks safely and are worried they will inadvertently harm patients. This has also been a topic of growing discussion nationally and we will likely need to develop educational standards that will ensure consistent training for assistants across the state.

The Chiropractic and Veterinary professions worked hard the last

legislative session to develop standards and training that would have allowed Chiropractors to treat animals, namely horses. Due to the past legislative atmosphere, circumstances made it impossible to pass this bill and the effort was dropped. The Veterinarian and Chiropractic Boards recently renewed their support for this coordinated effort and the Department of Labor and Industry has decided that they would like to include this bill in a department package with other bills.

The changing face of national healthcare has everyone on edge. Healthcare professionals are all concerned how it will affect them. The MCA continues to monitor the situation and we encourage everyone to become involved and support your state association.

In closing, I would like to remind everyone that full Board meetings are always open to the public and invite anyone to participate in the meetings and public comment periods.

## Let Your Voice Be Heard on Dry Needling

In the near future, the Board will have a survey posted on the front page of the Board website [www.chiropractor.mt.gov](http://www.chiropractor.mt.gov) regarding "trigger point dry needling" (TDN). Some other Montana state boards are in the discussion phase or have started the process of amending rules to allow this procedure.

Currently, dry needling is not within the scope of practice for Montana Chiropractors.

Nationally, most Acupuncturists and their national and state associations feel that TPN is the practice of Acupuncture. Other states are discussing or have already implemented rules to include dry needling in various professions' scope of practice including Chiropractic.

The Board would like to hear your thoughts regarding dry needling and its potential inclusion into the scope of practice for Montana Chiropractors.

Please complete the short survey on the Board website.

## NEW DOC SEMINARS

Just a reminder that "New Doc" seminars will be held at the October 5, 2012 Board meeting.

These informative meetings are a valuable resource for the newly licensed Chiropractors and participants earn 13 continuing education hours, which satisfy the Board's CE requirement.



Thanks to the New Docs who attended the April 6, 2012 seminar (not in order of appearance in photograph): Andrew Bohlman, Carson Durr, Alex Phillips, Clint Cordial, Jeffrey Engel, Kyle Haynes, Sampson Fennelly, Steven Stanchuk, Morgan Waterstraat, Lance Doppler, and Casey Cordial. Dr. Hansing - far right.

## THE NEW DIVISION DATABASE IS NOW OPERATIONAL

The Business Standards Division has implemented a new database in January 2012 and is continuing to fine tune the process.

What does this mean for you and applicants in the future?

- Online applications with electronic payment (similar to on-line renewal) allows for quicker processing.
- Applicants (with password security) will have access to the status of their applications online.
- Documentation submitted electronically will be instantly updated to your file while paper documents will be scanned and entered manually.
- Print a copy of your license 24/7.
- The final goal is to make those questions and submissions you would normally call or mail to the Board office electronic and paperless.

## ALICE WHITEMAN REAPPOINTED TO THE BOARD

Alice Whiteman, the public member of the Board has been reappointed by the Governor for another term, which expires January 1, 2015.

Ms. Whiteman has been a valuable asset to the Board since 2009 and looks forward to continuing to represent the public interest on the Board.

## NEW RENEWAL PROCESS

The online renewal process has changed! You will be receiving a letter in the postal mail around July 1, 2012 with important information on the new renewal website and your new user name and password. You will ALSO receive notification by e-mail if you have a valid e-mail address on file.

Your previous username and password **will not work** with the new system.

**IMPORTANT: The new database requires a current active e-mail address as an identifier in order to provide you with electronic services. Please update your e-mail address with the Board Office at**

**[dlibsdcchi@mt.gov](mailto:dlibsdcchi@mt.gov) as soon as possible.**

Updating your e-mail will allow us to send you important information in a more timely and efficient manner.

### **PLEASE NOTE WHEN ANSWERING THE RENEWAL DISCIPLINARY QUESTION:**

The answer to the following question on the licensure renewal form is "YES" if you have any completed or have any **pending** legal or disciplinary actions against you or a professional license you hold.

"HAVE ANY LEGAL OR DISCIPLINARY ACTIONS BEEN INSTITUTED AGAINST YOU OR ANY OF YOUR

PROFESSIONAL LICENSES SINCE EITHER YOUR INITIAL LICENSURE IN MONTANA OR SINCE YOU RENEWED YOUR LICENSE, WHICHEVER OCCURRED LATEST?"

It is always better to err on the side of full disclosure when deciding what to reveal to the Board in a licensure or renewal application. It is better for the Board to have everything, including things they can determine are not significant or relevant, than to delay the process when the Board asks for something that was not provided and then have to explain to the Board why it was not disclosed.

## PROFESSIONAL ETHICS AND BOUNDARIES RESOURCES

As based in rule, 24.126.2103, the Board now requires one (1) hour of Ethics and Boundaries continuing education in addition to the 12 hours currently required each renewal period. While the Montana Chiropractic Association offers these courses at some of their annual meetings, Board staff receives many inquiries by licensees on how to obtain on-line ethics and boundaries courses.

In partnership with the Federation of Chiropractic Licensing Boards (FCLB), we have an updated list of resources for obtaining these courses.

You may find these at:

<http://www.fclb.org/Resources/Publications/tabid/437/Default.aspx>

Scroll to the bottom of the page to "ETHICS RESOURCES"

Of particular interest, select the link:

FCLB Regulatory Resources for Doctors of Chiropractic with Ethics Issues - Booklet

Or:

[http://www.fclb.org/LinkClick.aspx?fileticket=DWWmTd\\_LX2A%3d&tabid=437](http://www.fclb.org/LinkClick.aspx?fileticket=DWWmTd_LX2A%3d&tabid=437)

Of course there are several on-line portals to access CE from other resources (Internet search "chiropractic continuing education"). While the Board cannot endorse particular websites or content you can search:

[www.chirocredit.com/](http://www.chirocredit.com/)

[www.chiroclasses.com/](http://www.chiroclasses.com/)

[www.dchours.com/](http://www.dchours.com/)

[www.thewisedc.com/](http://www.thewisedc.com/)

Most of the Chiropractic colleges also offer on-line post graduate CE courses including Ethics and Boundaries:

[www.nycc.edu/PostGrad\\_home.htm](http://www.nycc.edu/PostGrad_home.htm)

[www.palmer.edu/CE/](http://www.palmer.edu/CE/)

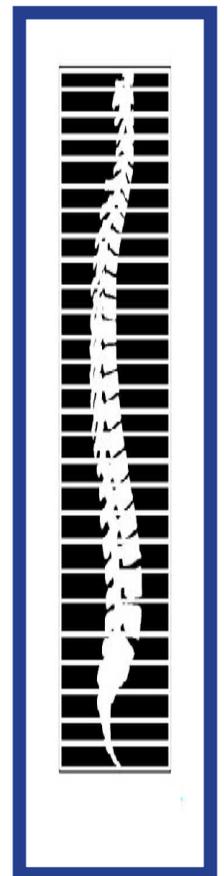
[www.lifewest.org/](http://www.lifewest.org/) [www.sherman.edu/continuing-education/default.asp](http://www.sherman.edu/continuing-education/default.asp)

[www.txchiro.edu/academics/continuing\\_education.aspx](http://www.txchiro.edu/academics/continuing_education.aspx)

[www.bridgeport.edu/academics/healthsciences/postgraduate/chiro/](http://www.bridgeport.edu/academics/healthsciences/postgraduate/chiro/)

If you have problems accessing the links, or need additional information, e-mail the Board office at [dlibsdcchi@mt.gov](mailto:dlibsdcchi@mt.gov) and we will be happy to forward the information.

Remember, all CE, whether online or in person must meet the current CE rules and it is incumbent on the licensee to submit approved CE.



## BOARD STATISTICS

7/1/11 - 4/2012

Applications Received	13
New Licenses Issued	18
Licenses Denied	1
Chiropractic Intern Licenses	3

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Inactive In-State	19
Inactive Out-of State	86

### TOTAL INACTIVE LICENSEES 105

Active In-State	368
Active Out-of-State	34

Active Probation	3
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### TOTAL ACTIVE LICENSES 405

#### Board Members:

**PRESIDENT**  
 Scott Hansing, DC  
 Helena, MT  
 Term: 01/01/2008-01/01/2014

**VICE PRESIDENT**  
 Cathleen Fellows, DC  
 Billings, MT  
 Term: 01/01/2010-01/01/2013

**PROFESSIONAL MEMBER**  
 Lee Hudson, DC  
 Great Falls, MT  
 Term: 04/04/2012-01/01/2015

**PUBLIC MEMBER**  
 Alice Whiteman  
 Missoula, MT  
 Term: 01/01/2009-01/01/2015

## *LIST OF NEW LICENSEES January, 2011 to December, 2012*

JEFFREY BARKER  
 CHRISTINE STEINBRENNER  
 SARA KLINGENBERG  
 LINDSAY WILSON  
 KAREN COLLIVER  
 ANDREW BOHLMAN  
 JEFFREY ENGEL  
 WILLIAM CRAIG  
 SAMUEL SMITH  
 DAVID DEMEY

JUSTIN JOHNSON  
 DONNA MORROW-  
 MCKIERNAN  
 JESSIE WHEELER  
 ANDREW SCHIEBER  
 SAMPSON FENNELLY  
 ALEX PHILLIPS  
 KHAI LAM  
 CARSON DURR  
 CLINT CORDIAL

#### BOARD STAFF:

Jennifer Billman  
 Application Specialist  
 (406) 841-2331

Dennis Clark  
 Program Manager  
 (406) 841-2390

Linda Grady  
 Compliance Specialist  
 (406) 841-2386

### **DON'T FORGET TO DISPLAY YOUR LICENSE**

*Administrative Rule 24.126.511 states in (2): All persons engaged in the practice of chiropractic must display their license in a conspicuous place for members of the public to view. Be sure you always have your current license displayed in your office.*



To use license as a Wall License, cut off excess paper and affix the above to wall for display.  
 To use the license as a Pocket Card, cut to the size of a business card or drivers license (either single or double-wide to fold), laminate if desired.  
 Remember to renew online if possible. Benefits of renewing online include:  
 The ability to change an address (for most professions)  
 The ability to print license(s) the same day as the renewal  
 The ability to print multiple licenses including one for a pocket card if desired  
 The ability to print in color (if you have a color printer)  
 The ability to print additional licenses for no additional charge up to 45 days following the end of the renewal cycle  
 To renew online: <https://app.mt.gov/renewal>

### **LICENSEE LIST DOWNLOAD SERVICE**

Lists of the Division's licensees are now available online at <https://app.mt.gov/download/>  
 You can select the criteria for your list including license type, status, and can even break it down by location. The list downloads into an Excel format and you can pay for the list with a credit card. The list includes name, address, license type and license status. Lists are no longer available through the Board office.

## **NEW ADMINISTRATIVE RULES ARE NOW IN EFFECT**

The following rule changes became effective March 9, 2012.

Note: These are excerpts of the amended rules. The complete official rules can be found at [www.chiropractor.mt.gov](http://www.chiropractor.mt.gov) under the "regulations" tab.

### **24.126.301 DEFINITIONS**

(5) "Nonroutine application" means an application submitted to the division in which the application is defined as nonroutine either by ARM 24.101.402 or by these rules.

(a) A nonroutine application means that according to the application, the applicant reveals that one or more of the following scenarios apply to the applicant:

(i) they have voluntarily surrendered, cancelled, forfeited, or failed to renew a license as a result of any of the following:

(A) a complaint filed against them;

(B) a consent agreement; or

(C) an investigation or disciplinary proceedings;

(ii) they have voluntarily or involuntarily surrendered their privileges to provide services to health maintenance organizations, Medicare/Medicaid, or other payers, or have voluntarily or involuntarily surrendered hospital privileges, health maintenance organization participation, Medicare/Medicaid, or other payers during a pending investigation or in anticipation of an investigation, or have had such privileges reprimanded, denied, restricted, suspended, placed on probation, revoked, or subjected to other sanction or action;

(iii) they have been expelled from or asked to resign from any professional organization, or have been censured by a professional organization;

(iv) they have had civil or criminal charges pending or have pleaded guilty, forfeited bond, or been convicted of a crime (including plea of no contest or deferred prosecution), whether or not an appeal is pending, with the exception of the following:

(A) minor-in-possession charges or convictions;

(B) one misdemeanor committed more than five years ago; or

(C) traffic offenses, unless the illegal use or possession of alcohol or drugs are involved;

(v) the applicant's health care professional license was disciplined or was voluntarily surrendered in another state or jurisdiction; and

(vi) there are inconsistencies in the application or in the supporting documentation of the application, or any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.

### **24.126.704 INTERNS AND PRECEPTORS**

(7) An intern license is valid for 12 consecutive months and is nonrenewable.

### **24.126.901 APPLICATIONS FOR CERTIFICATION OF IMPAIRMENT EVALUATORS**

(2) Applicants shall have been in active clinical practice in Montana for a minimum of 12 consecutive months, immediately preceding application.

(3) Applicants may qualify for certification by:

(a) successfully completing a board-approved program for education and training of certified chiropractic impairment evaluators, and passing the associated exam with a minimum of 75 percent; or

(b) successfully completing an educational and training program relating to chiropractic orthopedics, impairment ratings, or similar course work from a Council on Chiropractic Education (CCE) status chiropractic college or any other college or university approved by the board, and passing the associated exam with a minimum of 75 percent; or...

**24.126.2101 RENEWALS** (1) All chiropractors must renew their license with the board by submitting a renewal form and fee. The renewal date for a chiropractic license is set by ARM 24.101.413.

(3) A license that is not renewed within two years of the most recent renewal date automatically terminates. The terminated license may not be reactivated and a new original license must be obtained by submitting a new application and meeting all the requirements of ARM 24.126.501, and paying the appropriate fees in accordance with ARM 24.101.403. An applicant who has previously held a license that is terminated, and who has not engaged in the practice of chiropractic for more than three years, will be considered a nonroutine application and will be reviewed by the board.

**24.126.2103 CONTINUING EDUCATION REQUIREMENTS** (1) Beginning with the 2012 renewal, every licensee shall affirm that they have completed a minimum of 13 hours of board-approved continuing education during each renewal period as defined in ARM 24.101.413. All active licensees shall affirm on all subsequent renewal applications that they have attended and successfully completed

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# EVENTS CALENDAR

## "NEW DOC SEMINAR"

New Doc Seminars are being offered in conjunction with the Board's regularly scheduled meeting on October 5, 2012. Always check the Board website at [www.chiropractor.mt.gov](http://www.chiropractor.mt.gov) for the most current meeting dates and times.

### UPCOMING BOARD MEETING DATES

<u>DATE</u>	<u>EVENT</u>	<u>TIME</u>	<u>PLACE</u>
October 5, 2012	Screening Panel meeting (Closed Meeting)	10:00 AM	Helena
October 5, 2012	New Doc Seminar	10:00 AM	Helena
October 5, 2012	Full Board Meeting	1:00 PM	Helena

Please contact the Board office for details. The agendas for each meeting will be posted on our website prior to the meeting at [www.chiropractor.mt.gov](http://www.chiropractor.mt.gov)

### UPCOMING CHANGES REGARDING DOT PHYSICALS

*Dr. Scott Hansing*

DOT physicals have been performed by chiropractic physicians for years and often provide a valuable service in small out-lying communities that don't have easy access to healthcare professionals. Over the next two years, the criteria for who is able to provide this service will be changing.

The federal government has been developing a standardized training program to assure consistency with performing DOT physicals regardless of background in training. On April 18, 2012 the federal government finalized the rules to begin requiring certification for the 5 professions currently authorized by Congress to offer these screening exams. These professions include medicine and osteopathy, physician's assistants, nurse practitioners and doctors of chiropractic. The only accredited agency governing continuing education for the chiropractic profession to be approved is PACE. The state of Montana already accepts all continuing education approved by PACE.

Courses and testing will be available starting August 20, 2012 and those who pass the examination will be listed on the National Registry of Certified Medical Examiners. The deadline to acquire this certification is May 21, 2014. If you are not a certified medical examiner as of this date, you will no longer be able to perform DOT physicals until you complete the training.

The Montana Chiropractic Association is currently investigating the requirements and hopes to offer the training and testing for chiropractors within the next year.

\* \* \* \* \*

Just a friendly reminder:

ARM 24.126.412 now requires Montana licensed chiropractors accepting prepayment for services planned, but not yet delivered, to establish an escrow account to hold all prepayment funds. Don't let the term "escrow" confuse you or your financial institution since it now seems to be correlated with real estate transactions. Merriam-Webster dictionary defines "escrow" as "a deed, a bond, money, or a piece of property held in trust by a third party to be turned over to the grantee only upon fulfillment of a condition." Any financial account that is able to hold and safeguard a patient's prepayment money separate from the treating chiropractor's money meets the condition of the rule and most financial institutions should be able to meet this need.

## Animal Chiropractic

The Board of Chiropractors, the Board of Veterinary Medicine and their respective Associations worked tirelessly before the 2011 Legislative Session to implement the new proposed legislation regarding Animal Chiropractic.

Unfortunately, given the climate of this legislature, it was agreed passage of this proposal would not have the legislative support to carry it through. Both Boards and the Associations want to make another concerted effort for the 2013 session.

The important difference this session is the legislation will be included in the Department of Labor and Industry's combined bill. The Department will support this legislation (along with other boards legislation) before the Legislature.

If you support this legislation, it is not too early to make the Board and the Montana Chiropractic Association aware of your support.

Please e-mail the Board Office [dlibsdchi@mt.gov](mailto:dlibsdchi@mt.gov) for an electronic copy of the draft.



## ADMINISTRATIVE RULES ARE NOW IN EFFECT (continued from page 5)

a minimum of 13 hours of board-approved continuing education in the year preceding the application for renewal. Of the 13 hours, no more than two hours can be in the subject area of philosophy and/or practice management. In addition, the board will require each licensee to demonstrate successful completion of a professional boundary and ethics continuing education course. Of the 13 hours, one hour must be obtained in professional boundaries or ethics. The board will only grant credit for a maximum of one hour in professional boundaries or ethics. New licensees to the state of Montana have from the date of their original licensure in Montana until the end of their first renewal year to complete their first 13 hours of continuing education, and shall affirm on their second renewal application that they have attended and successfully completed a minimum of 13 hours of board-approved continuing education during that period.

### 24.126.2105 APPROVED CONTINUING EDUCATION

(2) From the date of their original licensure in Montana until the end of the first renewal period, new licensees can fulfill the continuing education requirement by attending one session of the "new doc seminar" in lieu of the 13-hour continuing education requirement.

**The tragic story below illustrates why staff should be alert to small children left unattended in the office. While it appears no criminal charges were filed, there was certainly the possibility of a civil suite against the practice.**

### Sheriff Explains Chiropractor Accident That Killed Toddler

June 10, 2011 10:43 PM

SHOREVIEW, Minn. (WCCO) – Authorities said a toddler was killed in Shoreview after pulling the handle of a chiropractor's table while the child's mother was there for an appointment. According to Ramsey County Sheriff Matt Bostrom, Amy Elizabeth Newton of Mounds View was at First Chiropractic along Highway 96 in Shoreview at about 5 p.m. Thursday.

She had her three children with her at the appointment, ages 4, 2 and 18 months. Bostrom said Newton's doctor left the room briefly, and the 18-month-old boy ran underneath the Triton DTS (Dynamic Tension System) TRT-600 table. It appears the child then hit the down button and the table came down. Authorities said Newton was helpless to do anything, because she was strapped down to the table. She called out for help.

Staff members came and were able to raise the table again. They attempted CPR on the boy. Both Newton and her 18-month-old boy were taken to Regions Hospital in St. Paul. He was pronounced dead at the hospital at about 5:40 p.m. Authorities said it appeared the child died of head trauma. The child was identified Friday as Benjamin Bryan Newton.

Clinic staffers said the family has asked them not to make any comments and to respect their privacy, but they said they were grieving the child's loss also.

Bostrom said this is not a case where there are likely to be any criminal charges filed.

The owner of the office said nothing like this has ever happened there before.

"As a team, we are grieving the loss of one of our patient's children," said Chiropractor Lowell Magelssen, who added that staffers are friends with the child's family. "You can never possibly in a million years script this. It's every parent's nightmare, every grandparent's nightmare. We can't believe it."

The table involved is used to treat patients with disk injuries who haven't had success with physical therapy. Their spine is stretched and compressed while strapped on the table.

"This is a very effective machine when used properly," said Doctor Adam Burke, a Chiropractor in Edina, who has no ties to First Chiropractic.



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<<Country>>

## ONLINE LICENSEE LOOKUP

Have you ever needed to look up information on an individual who is licensed in Montana? Visit the Department's Licensee Lookup System where you will find information about any professional including license type, license status, and any disciplinary action taken against the license. The site is found at:

[www.licenselookup.mt.gov](http://www.licenselookup.mt.gov).



This document printed at state expense. Information on the cost of publication may be obtained by contacting the Department of Labor & Industry.

## COMPLAINT STATISTICS

### Board of Chiropractors: Jan 1st, 2011 - Dec 31st, 2011

- 1 license was disciplined; and
- 14 new complaints were received.

As of April 11, 2011:

- there was 1 open complaint;
- there were 2 open investigations; and
- nine complaints in legal process.

## REPORT NAME AND ADDRESS CHANGES TO THE BOARD OFFICE

It is very important that the Board office have your current mailing address so we can keep you informed of actions taken by the Board. License renewals, administrative rule amendments and other subjects affecting licensees are sent to the most current address on file. Please note, Rule 24.126.2101 requires you to keep your address current with the board office.

p.s. Don't forget your E-Mail address.